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PART - VI

Acts of Parliament and Ordinances promulgated by the President

LEGISLATIVE AND PARLIAMENTARY AFFAIRS DEPARTMENT

Sachivalaya, Gandhinagar, 12th March, 2026

No. RPB/Act-27/2025/E:- The Following Act of Parliament is republished for general information:-

Government of India

Ministry of Law and Justice

Legislative Department

New Delhi, the 21st August, 2025/Shravana 30, 1947 (Saka)

The following Act of Parliament received the assent of the President on the 21st August, 2025 and is hereby published for general information:-

THE INDIAN PORTS ACT, 2025

NO. 27 OF 2025

[21*st August,* 2025.]

An Act to consolidate the law relating to ports, promote integrated port development, facilitate ease of doing business and ensure the optimum utilisation of India's coastline; establish and empower State Maritime Boards for effective management of ports other than major ports; establish the Maritime State Development Council for fostering structured growth and development of the port sector; provide for the management of pollution, disaster, emergencies, security, safety, navigation, and data at ports; ensure compliance with India's obligations under international instruments to which it is a party; take measures for the conservation of ports; provide for adjudicatory mechanisms for the redressal of port-related disputes; and address matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-sixth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (*1*) This Act may be called the Indian Ports Act, 2025. Short title, commencement and application.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the commencement of that provision.

(*3*) Save as otherwise provided in this Act, the provisions of this Act,—

(*a*) shall apply to—

(*i*) all ports to which the provisions of the Indian Ports Act, 1908 applied immediately before the date of commencement of this Act; 15 of 1908.

(*ii*) all new ports notified under sub-section (*1*) of section 11;

(*iii*) any part of the navigable rivers or channels leading to such ports as may be notified by the appropriate Government in such form and manner as may be prescribed by the Central Government in consultation with the State Government;

(*iv*) all vessels within port limits; and

(*v*) all aircrafts making use of any part of the port, while on water, as they apply in relation to vessels; and

(*b*) shall not apply to—

(*i*) such port or navigable rivers or channels or vessels or class thereof, as the Central Government may, by notification, specify in this behalf;

(*ii*) any vessel or aircraft making use of any part of the port belonging to or exclusively servicing, for military or non-commercial service of the Government, the Indian Navy, Indian Coast Guard, customs authorities, Central Armed Forces and police and other agencies as may be notified by the Central Government;

(*iii*) any vessel belonging to or in the service of the Central Government or the State Government; or

(*iv*) any foreign vessel of war.

Definitions.

2. (*1*) In this Act, unless the context otherwise requires,—

(*a*) "appropriate Government" or "Government", in relation to major ports, means the Central Government; and in relation to ports other than major ports, means the State Government;

(*b*) "Authority", in relation to—

(*i*) major ports, means—

(*A*) the Board of Major Port Authority; or

(*B*) the board of directors, in case a port is registered as a company under the Companies Act, 2013; and 18 of 2013.

(*ii*) ports other than major ports, means the State Maritime Board of each State;

(*c*) "Board of Major Port Authority" means the Board constituted by the Central Government under sub-section (*1*) of section 3 of the Major Port Authorities Act, 2021, for each major port; 1 of 2021.

(*d*) "Chairperson" means the Chairperson of the Council;

(*e*) "coastal waters" means any part of the territorial waters of India, along with any part of the adjoining maritime zones of India within the meaning of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976, or any other law for the time being in force;

80 of 1976.

(*f*) "concessionaire" means any person who has been granted any right, licence, permit or authorisation, by whatever name called, by the Government or the Authority, including by way of a concession agreement, for conducting all or any activity within a port;

(*g*) "conservator" means a person or body of persons appointed for each port or two or more ports by the Government under sub-section (*1*) of section 18;

(*h*) "convention" means an international convention to which India is a party;

(*i*) "Council" means the Maritime State Development Council established under section 3;

(*j*) "equipment", in relation to a vessel, includes boats, tackle, machinery, boilers, cargo handling gear, pumps and any fitting, anchor, propeller, apparels, furniture, life-saving appliances of every description, spars, masts, rigging and sails, fog signals, lights, shapes and signals of distress, medicines and medical and surgical stores and appliances, charts, radio installations, appliances for preventing, detecting or extinguishing fires, buckets, compasses, axes, lanterns, loading and discharging gears and appliances of all kinds and all other stores and spares or articles belonging to or to be used in connection with or necessary for navigation, propulsion, security, pollution prevention and safety of the vessel;

(*k*) "existing port" means every port to which the provisions of the Indian Ports Act, 1908 applied, immediately before the commencement of this Act;

15 of 1908.

(*l*) "Magistrate" means a person exercising powers of the Magistrate under the Bharatiya Nagarik Suraksha Sanhita, 2023;

46 of 2023.

(*m*) "major port" means any port declared as such by the Central Government by notification in the Official Gazette, to be a major port;

(*n*) "master", in relation to any vessel or aircraft making use of any port, means any person having for the time being the command or charge of the vessel or the aircraft, not being a pilot or harbour master or conservator of the port;

(*o*) "mega port" means major port or port other than major port, classified as a mega port under section 73;

(*p*) "mooring" means a fixed or floating structure or device which is used for the berthing and unberthing of any vessel or aircraft making use of a port, including shifting along the quayside, or is required for the safe operation of a waterborne vessel in the port or in the waterway access to the port;

(*q*) "new port" means any port, other than an existing port, notified under sub-section (*1*) of section 11;

(*r*) "notification" means a notification published in the Official Gazette and the term "notify" or "notified", shall be construed accordingly;

(*s*) "owner", in relation to—

(*i*) goods, includes any consignor, consignee, shipper or agent for the sale, custody, loading or unloading of such goods; and

(*ii*) any vessel or aircraft making use of any port, includes any registered owner, charterer, consignee or mortgagee in possession thereof;

(*t*) "pilot" means any person for the time being authorised by the Government to pilot vessels;

(*u*) "port" includes any terminal, offshore terminal, shipyard, repair yard, ship breaking yard, bunkering station, captive jetties or roadstead or port facility or single buoy mooring which is normally used for the fuelling, re-fuelling, loading, unloading, embarkation or disembarkation of passengers, warehousing, building or repair or anchoring of vessels, or any other place at which a vessel can call, and any part of the navigable river or channel to which this Act extends, but shall not include any ship recycling activities;

(*v*) "port facility" means any location or area including anchorages or awaiting berths or approaches from seaward as determined by the Central Government, or such designated authority as the Central Government may, by notification, specify, where interface between vessels or a vessel and a port takes place;

(*w*) "port limits" means the defined boundaries of the area of a port notified under sub-section (*1*) of section 11;

(*x*) "port officer" means the conservator or harbour master or such other officers appointed under sub-sections (*1*) and (*2*) of section 18;

(*y*) "port service provider" means a person who carries out all or any of the port works;

(*z*) "port tariff" means a scale of rates published under sub-section (*2*) of section 47 for the fees or other charges leviable under section 46;

(*za*) "port user" means any person who avails the services of a port including port works;

(*zb*) "port works" includes,—

(*i*) designing, constructing, extending, maintaining, removing or demolishing—

(*a*) maritime structures and other buildings, structures, machineries, equipment and enclosures;

(*b*) railways, roads, bridges and embankments;

(*ii*) reclaiming land from the sea or a river and dredging;

(*iii*) supplying water, fuel or electricity to the port;

(*iv*) providing labour to the port;

(*v*) construction of dry docks, cruise terminal and water transport terminal;

(*vi*) construction of port infrastructure; and

(*vii*) any other services as may be notified by the Government;

(*zc*) "prescribed" means prescribed by rules made by the appropriate Government or by the Central Government in consultation with the State Government under this Act;

(*zd*) "regulations" means regulations made by the Council under this Act;

(*ze*) "Schedule" means a Schedule annexed to this Act;

(*zf*) "security" means maritime security and includes any measures undertaken by the owners or operators or persons in charge of the vessels or management of port facilities, offshore installations and other marine organisations or establishments, or undertaken by the Central Government, to protect ports or vessels or any person or thing relating directly or indirectly to maritime navigation,—

(*i*) against terrorism, sabotage, stowaways, illegal migrants, asylum seekers, piracy, armed robbery, seizure or pilferage; and

(*ii*) against any other hostile act or influence, which threatens the security in the maritime transport sector;

(*zg*) "State" means any State or Union territory in India having coastal location;

(*zh*) "State Government", in relation to a Union territory, means the Administrator thereof;

(*zi*) "State Maritime Board" means the State Maritime Board referred to in sub-section (*1*) of section 13;

(*zj*) "vessel" includes every description of water craft used or capable of being used in the marine environment, such as ship, boat, sailing vessel, fishing vessel, submersible, semi-submersible, hydrofoils, non-displacement crafts, amphibious crafts, wing-in-ground crafts, pleasure crafts, barges, lighters, mobile offshore drilling units, mobile offshore units, or of any other description whether fitted with mechanical means of propulsion or not.

(*2*) Words and expressions used and not defined in this Act but defined in the Major Port Authorities Act, 2021 or the Merchant Shipping Act, 1958, shall have the meanings respectively assigned to them in those Acts.

1 of 2021.
44 of 1958.

CHAPTER II

MARITIME STATE DEVELOPMENT COUNCIL

Establishment of Council.

3. (*1*) The Central Government shall, by notification, establish, for the purposes of this Act, a Council to be called the Maritime State Development Council.

(*2*) The Council shall consist of the following members, *ex officio*, namely:—

(*a*) the Union Minister for Ports, Shipping and Waterways who shall be the Chairperson;

(*b*) the Minister-in-charge of ports of each State;

(*c*) the Minister-in-charge of the Union territory of Puducherry and the Administrators of all other coastal Union territories;

(*d*) an officer equivalent in rank to the Secretary of the Government of India in the Indian Navy dealing with coastal security, to be nominated by the Central Government in the Ministry of Defence;

(*e*) an officer equivalent in rank to the Secretary of the Government of India in the Indian Coast Guard dealing with coastal security, to be nominated by the Central Government in the Ministry of Defence;

(*f*) the Secretary to the Government of India in the Ministry of Ports, Shipping and Waterways, who shall be the Member Secretary of the Council.

(*3*) The Chairperson may invite such persons to the meetings of the Council, in such manner and subject to such conditions as may be specified by regulations.

(*4*) The Council shall transact business at its meetings in such manner as may be specified by regulations.

(*5*) No member shall receive any remuneration for the performance of its functions under this Act.

(*6*) Notwithstanding anything in any other law for the time being in force, the office of a member of the Council shall not be deemed to be an office of profit.

Powers of Chairperson.

4. The Chairperson shall have the powers of general superintendence and directions in the conduct of the affairs of the Council and shall discharge other powers and functions of the Council as may be assigned to him under this Act.

Vacancies, etc., not to invalidate proceedings of Council.

5. No act or proceeding of the Council shall be invalid merely by reason of,—

(*a*) any vacancy in, or any defect in the constitution of, the Council; or

(*b*) any defect in the appointment of a person acting as a member of the Council; or

(*c*) any irregularity in the procedure of the Council not affecting the merits of the case.

Functions of Council.

6. (*1*) The Council shall,—

(*a*) make recommendations to the Government on,—

(*i*) the adequacy of the existing legal framework or statutory compliances, with a view to provide for a more efficient and conducive framework for ports in India;

(*ii*) measures to facilitate growth of the port sector and to promote competition and efficiency in the operation of ports;

(*iii*) port connectivity and assessing the requirement of other infrastructure through road, rail, inland waterways transport, pipeline and conveyor;

(*iv*) any other matter relating to ports, as the Council may decide; and

(*v*) any other matter as may be referred to it by the Central Government or the State Government;

(*b*) discharge the following functions, in consultation with the Central Government and the State Governments, namely:—

(*i*) to advise the Central Government on the formulation of the national perspective plan referred to in section 12;

(*ii*) issue guidelines in respect of the following, namely:—

(*A*) the data or information to be collected by ports and the manner of collection, storage, updation and submission of such data or information to the Council;

(*B*) to provide for the manner in which any information, records, data and research studies relating to ports, shall be disseminated, including the grant of public access thereto;

(*C*) for ensuring transparency of port tariff;

(*c*) perform such other functions including administrative and financial functions as may be entrusted to it by the Central Government.

(*2*) While discharging its functions, the Council shall exercise transparency and take into account the optimum management and utilisation of the available coastline, appropriate cost of logistics through multi-modality, national development priorities, sustainability and issues of national security.

(*3*) Where the Council considers it expedient so to do for the purpose of discharging its functions under sub-section (*1*), it may, by order in writing, call upon the Authority, port or any person, at any time to furnish in writing, such information as the Council may require.

Employees of Council.

7. (*1*) The Central Government may make available to the Council such officers and employees as it considers necessary for the efficient discharge of the functions of the Council under this Act.

(*2*) The salary and allowances payable to, and the other conditions of service of the employees of the Council shall be such as may be prescribed by the Central Government.

Grants by Central Government.

8. The Central Government may, after due appropriation made by Parliament by law in this behalf, make to the Council grants of such sums of money as are required by it to discharge its functions under this Act.

Delegation of powers of Council.

9. The Council may, by general or special order in writing, delegate to any member or employee of the Council, subject to such conditions, if any, as may be specified in the order, such of its powers and functions under this Act, except the power to make regulations or to issue guidelines, as it may deem necessary.

CHAPTER III

PORT AND PORT LIMITS

Port operations.

10. No port shall commence or carry on operations therein unless it is,—

(*a*) an existing port; or

(*b*) a new port notified under sub-section (*1*) of section 11:

Provided that the Government may, by notification, declare a port or part thereof non-operational in the following cases, namely:—

(*i*) if such port or part thereof has been non-operational for a continuous period of ten years; or

(*ii*) in the interest of national security; or

(*iii*) for any other reason, as the Government may deem fit.

Notification of new port and alteration of port limits.

11. (*1*) The Government may notify a new port and alter the limits of any port:

Provided that any notification issued under this sub-section for alteration of port limits shall not have retrospective effect.

(*2*) The Central Government in consultation with State Government shall prescribe the norms, form and manner for declaring a new port and for altering the port limits under sub-section (*1*).

Adherence to national perspective plan and guidelines issued by Council.

12. (*1*) The Central Government may formulate a national perspective plan so as to meet the requirements of the maritime trade and to prioritise associated infrastructure development.

(*2*) The Central Government, State Governments and the Authority shall endeavour to adhere to the national perspective plan formulated by the Central Government and the guidelines issued by the Council.

CHAPTER IV

STATE MARITIME BOARDS

Establishment of State Maritime Board.

13. (*1*) Every State Maritime Board established or constituted by the State Government under the Acts specified in the Third Schedule, shall be deemed to be duly established or constituted for the purposes of this Act:

Provided that where the State Maritime Board has not been established or constituted, the State Government may, by notification, establish a State Maritime Board within six months from the date of commencement of this Act:

Provided further that where the functions of the State Maritime Board are discharged by a body of persons or a department of the State Government, that Government may notify such body of persons or department, as the State Maritime Board for the purposes of this Act.

(*2*) The State Maritime Board shall be a distinct legal entity, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract and shall, by the said name, sue or be sued.

(*3*) The head office of the State Maritime Board shall be at such place as the State Government may, by notification, specify in this behalf.

Transfer of assets and liabilities, etc.

14. (*1*) On and from the date of establishment or the date of notification of the State Maritime Board under sub-section (*1*) of section 13, the State Government shall transfer to the State Maritime Board, and vest, amongst other things,—

(*a*) all port land, property, assets, funds, interest in property and all rights to levy rates vested in the State Government;

(*b*) all rates, fees, rents and other sums of money due to the State Government; and

(*c*) every employee serving under the State Government before such date solely or mainly for or in connection with affairs of the port.

(*2*) All debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done with or for the State Government till the date of establishment or the date of notification of the State Maritime Board under sub-section (*1*) of section 13, shall be deemed to have been incurred, entered into or done by, with or for the State Maritime Board, and all suits or other legal proceedings instituted by or against the State Government till the date of establishment or the date of notification of the State Maritime Board, be continued or instituted by or against the State Maritime Board.

Functions of State Maritime Board.

15. (*1*) Every State Maritime Board shall be responsible for the effective administration, control and management of ports other than major ports within the territory of the respective State and for the said purpose, shall perform the following functions, namely:—

(*a*) initiating plans for development of ports;

(*b*) promoting the use, development and improvement of ports;

(*c*) executing such works within or outside the limits of ports and providing such appliances to ports, as the Board may deem expedient or necessary;

(*d*) exercising licensing functions in respect of infrastructure and services of ports;

(*e*) exercising supervision and control over all port works, including port works contracted out to third parties;

(*f*) regulating and controlling navigation within the limits and the approaches to the ports;

(*g*) fixing of port tariff;

(*h*) developing new ports, subject to obtaining security clearance as per the guidelines issued by the Central Government;

(*i*) protecting ecological balance and safeguarding social and environmental issues;

(*j*) advising or issuing directions in relation to matters referred to the Board by the State Government;

(*k*) providing or ensuring the provision of such other services and facilities which may be considered necessary for the efficient operation of ports;

(*l*) ensuring compliance with the provisions of this Act and the rules made thereunder;

(*m*) carrying out all other functions that are or may be notified by the State Government.

(*2*) The State Maritime Board shall ensure transparency in the exercise of its powers and discharging of its functions.

(*3*) The State Maritime Board may, for the purposes of discharging its functions under sub-section (*1*), issue such directions from time to time, in writing, to any port or port officer, as it may consider necessary, and such port or port officer shall comply with such directions.

CHAPTER V

ADJUDICATION OF DISPUTES

Resolution of disputes.

16. (*1*) Every State Government shall, by notification, constitute a Dispute Resolution Committee consisting of not less than three members, for the purposes of adjudicating any dispute arising between ports other than major ports, concessionaires, port users and port service providers within the State, unless the parties have agreed to arbitration or any other dispute resolution mechanism forming part of the concession agreement, licence, permit or authorisation.

(*2*) An application for adjudication of any dispute referred to in sub-section (*1*) shall be made to the State Maritime Board in such form and manner as may be prescribed by the State Government and the State Maritime Board shall refer the application to the Dispute Resolution Committee.

(*3*) The Dispute Resolution Committee shall, after giving the parties an opportunity of being heard, pass an order in writing within a period of six months from the date of receipt of the application by it:

Provided that where the Dispute Resolution Committee is unable to dispose of such dispute within the stipulated period of six months, it may extend the period of disposal up to three months at a time, with reasons to be recorded in writing, but such period including extended period, shall not exceed twelve months in any case.

(*4*) The Dispute Resolution Committee shall, for the purposes of discharging its function under sub-section (*1*), have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit in respect of the following matters, namely:—

5 of 1908.

(*a*) the discovery and production of books of account and other documents;

(*b*) summoning and enforcing the attendance of persons and examining them on oath;

(*c*) issuing commissions for the examination of witnesses or documents; and

(*d*) any other matter which may be prescribed by the State Government.

(*5*) Any party aggrieved by an order of the Dispute Resolution Committee under sub-section (*3*), may prefer an appeal to the High Court of the appropriate jurisdiction, within sixty days from the date on which a copy of the order is received by the party.

Civil court not to have jurisdiction.

17. No civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the Dispute Resolution Committee is empowered by or under this Act to determine.

CHAPTER VI

PORT OFFICERS

Appointment of conservator, harbour master and other port officers.

18. (*1*) The Government shall appoint such officers or body of persons to be the conservator for every port, or for two or more ports.

(*2*) Every port shall appoint a harbour master or such other officers of the port as may be prescribed by the appropriate Government.

(*3*) The terms and conditions of service of the officers appointed under sub-sections (*1*) and (*2*) shall be such as may be prescribed by the appropriate Government.

(*4*) The conservator shall be subject to the control of the Government and the Authority.

(*5*) All officers operating in a port shall be subject to the supervision and control of the conservator.

(*6*) The conservator may, with the approval of the Government, delegate such of its powers to such persons, as may be prescribed by the appropriate Government.

Powers of conservator to issue directions.

19. (*1*) Subject to the provisions of this Act, the conservator may, with respect to any vessel within the port, issue such directions as may be necessary for carrying out the provisions of this Act or the rules made thereunder.

(*2*) Without prejudice to the generality of the foregoing power, the conservator may issue directions relating to all or any of the following matters, namely:—

(*a*) the berthing, mooring or anchoring including the method of anchoring, of a vessel;

(*b*) the removal of the vessel from any place within the port to any other place and the time within which such removal is to be effected;

(*c*) the regulation, restriction or prohibition of movement of vessels in the port and the approaches to the port;

(*d*) requiring the master of any vessel to place at his disposal, such number of crew as may be deemed fit, for the purpose of preventing or extinguishing fire or for any other matter under this Act;

(*e*) prohibiting any vessel from entering or leaving the port, where such vessel fails to comply with the provisions of this Act or any other law for the time being in force or the rules, regulations or directions issued thereunder;

(*f*) cutting, or causing to be cut, any warp or rope endangering the safety of any vessel in the port.

(*3*) If any person refuses or neglects to obey any direction of the conservator under this section, the conservator may cause or cause to be done, all necessary acts for execution of the directions and may hire and employ suitable persons for this purpose, and all expenses incurred in this behalf shall be recoverable from the person for such refusal or neglect.

Removal of obstructions within port limits.

20. (*1*) The conservator may remove, or cause to be removed, either on his own or through external agency or through a port officer, any obstruction in any part of a port, which in his opinion obstructs the operation of a port or part thereof or any other work on any part of the shore or bank within the port limits.

(*2*) The owner of any such obstruction shall be liable to pay the reasonable expenses of the removal thereof.

(*3*) If the owner of any such obstruction fails to pay the reasonable expenses incurred in the removal thereof, the conservator may sell the vessels, wreck, material or any other thing forming the obstruction in public auction and recover expenses incurred for such removal from the proceeds of the sale, and shall pay the surplus of such proceeds, or deliver the unsold parts of the obstruction, to the person entitled to receive the same and if no such person is available, the conservator shall cause the same to be kept and deposited in such manner as the Government directs.

(*4*) The conservator may, if necessary, from time to time, realise the expenses of keeping the obstruction, together with the expenses of sale, by a further sale of such part of the obstruction as may remain unsold.

(*5*) If the obstruction exists on account of any permit, grant, licence or other lawful instrument issued by the Government, then the conservator shall report the same to the Government, and, with the previous sanction of the Government, cause the same to be removed or altered in such manner, making reasonable compensation to the owner of such obstruction, to be determined on the basis of such factors, as may be prescribed by the appropriate Government.

Explanation.—For the purposes of this section, the term "obstruction" includes any structure or a vessel or wreck or part thereof, or any material such as cargo, bunker or pollutant or such other thing or any public nuisance, impeding or likely to impede the operation of the port.

Power to specify restrictions on activities within port limits.

21. The Government may, by notification, specify restrictions on certain activities within port limits which may cause any impediment to the navigation in a port.

Fouling of moorings.

22. (*1*) If any vessel hooks or gets foul of any of the buoys or moorings laid down by the conservator in a port, the master of such vessel or any other person shall not, except in case of emergency, lift the buoys or moorings for the purpose of unhooking or getting clear from the same without the assistance of the conservator.

(*2*) The conservator, immediately on receiving notice of any emergency, under sub-section (*1*), shall assist and superintend the clearing of such vessel and the master of such vessel shall, upon demand, pay such reasonable expenses as may be incurred in clearing the same.

Power to board vessels and enter buildings.

23. (*1*) The conservator, or any person appointed under this Act to receive fees or charges related to any vessel, may, when necessary for the performance of duties under this Act, board any vessel or enter any building or place within the port limits, either alone or accompanied by any other person or body of persons.

(*2*) No master of a vessel or any person in possession or occupation of the building or place shall without lawful excuse refuse the conservator or any person or body of persons to board or enter such vessel, building or place.

Appointment and powers of health officer and prevention of contagious diseases.

24. (*1*) The Government may appoint an empanelled medical practitioner as the health officer to carry out the functions of the health officer at any port.

(*2*) The health officer shall possess such qualification, experience and be subject to such other terms and conditions of service as may be prescribed by the appropriate Government.

(*3*) The health officer shall, subject to the control of the Government, have the following powers, within the port limits, namely:—

(*a*) to inspect the provisions, water, sanitation and accommodation within vessels;

(*b*) to enter or board any vessel and medically examine all or any of the seafarers on board the vessel;

(*c*) to require and enforce the production of the log-book and any other books, papers or documents as may be deemed necessary for the purpose of enquiring into the health and medical condition of persons on board the vessel;

(*d*) to summon and question any person for any purpose, to require responses from the person questioned, and to make and sign a declaration affirming the truth of the statements made by such person.

(*4*) Whenever any infectious or contagious disease has broken out or is reasonably suspected to break out at any port or part thereof, the appropriate Government may—

(*a*) declare such port or part thereof as an infected zone, and require all persons coming out from an infected zone to be medically inspected or examined by a health officer; and

(*b*) prescribe the measures to be taken at such infected zone.

(*5*) Whenever any infectious or contagious disease has broken out or is reasonably suspected to break out in vessels arriving at, or being in, any port,—

(*a*) the conservator shall take such action, and pass such directions to such persons for the prevention or containment of the spread of any infectious or contagious disease, as may be prescribed by the Central Government in consultation with the State Government;

(*b*) the master shall report the particulars of any such disease to the Government or the conservator in such manner as may be prescribed by the Central Government in consultation with the State Government.

(*6*) The health officer, along with such person or body of persons authorised by the Government, may board the vessel for medical inspection of vessels and of persons on board the vessels.

Indemnity of Government against act or default of port officers or pilot.

25. The Government shall not be liable for any act or default of any conservator, harbour master or other port officers or of any deputy or assistant of any of the authorities aforesaid or of any person acting under the control or direction of any such authority, deputy or assistant, or for any act or default of any pilot or for any damage sustained by any vessel in consequence of any defect in any of the moorings, hawsers or other things belonging to the Government which may be used by the vessel:

Provided that nothing in this section shall protect the Government from a suit in respect of any act done by or under the express order or sanction of the Government.

CHAPTER VII

SAFETY AND CONSERVATION OF PORTS

Damage to property of port.

26. (*1*) No person shall, without lawful excuse, remove, destroy or damage any property including any pier or wharf belonging to, or in the custody or possession of, the port, or hinder or prevent such property from being used or operated in the manner it is intended to be used or operated.

(*2*) Any person who does any act in violation of the provisions of sub-section (*1*), shall, in addition to any other penalty specified under column (4) of the Second Schedule, be liable to pay such expenses, as the conservator may determine to be just and reasonable, on the basis of such factors, as may be prescribed by the appropriate Government for any loss, destruction or damage suffered by the port, including the expenses of any inspection or survey carried out, having regard to the circumstances of the case.

Warping.

27. Every master of a vessel in any port shall, when directed by the conservator, permit warps or hawsers to be made fast to the vessel for the purpose of warping any other vessel in the port, and shall not allow any such warp or hawser to be let go until so directed by the conservator.

Master to take order to extinguish fire.

28. Every master of a vessel lying in any port shall take order to extinguish any fire on the vessel, and co-operate with the conservator or any person acting under the authority of the conservator, in extinguishing or attempting to extinguish any fire on the vessel.

Offences in connection with safety of vessels, etc.

29. (*1*) No person shall wilfully and without lawful excuse,—

(*a*) loosen or remove from its moorings or from its fastenings any vessel in the port without leave or authority from the master or owner of such vessel; or

(*b*) lift, injure, make a vessel fast to, loosen or set adrift any moorings, buoys, beacons or sea or landmarks; or

(*c*) discharge any firearm in the port; or

(*d*) do or omit to do any act on board any vessel in the port which has caused or likely to cause fire; or

(*e*) use a vessel in the port which is in such a state that by reason of the defective condition of its hull, equipment or machinery, or by reason of under-manning or otherwise, the life of any person or the safety of any other vessel navigating in the port is likely to be endangered.

(*2*) No master of a vessel shall cause or suffer any warp or hawser attached to his vessel to be left out in any port in such a manner as to endanger the safety of any other vessel navigating in the port.

(*3*) No person shall grave, bream or smoke any vessel in the port, or boil or heat any pitch, tar, resin, dammar, turpentine oil or other such combustible matter on board any vessel within port limits, if such act is prohibited by the Government, or contrary to the orders or directions of the conservator.

Unauthorised person not to search for lost stores.

30. No person, without the permission of the conservator shall, in any port, creep or sweep for anchors, cables or other stores lost or supposed to be lost therein.

Injuring banks or shores of port prohibited.

31. No person shall, except with the permission of the conservator and under the supervision of such person as may be appointed by the conservator, in any port,—

(*a*) disturb the existing waterbed or geophysical structures or any artificial protection or constructions or shore of the port; or

(*b*) sink or bury in any part of such bank or shore, whether the same is public or private property, any mooring-post, anchor or any other thing; or

(*c*) do any other thing which is likely to cause damage to such bank or shore.

Moving of vessels without pilot or permission of harbour master or port officer.

32. (*1*) No vessel shall enter, leave or be moved in any port without having a pilot, harbour master or any port officer on board, unless,—

(*a*) upon application to the proper officer the master was unable to procure a pilot, harbour master or port officer to go on board the vessel;

(*b*) an authority in writing has been obtained from the conservator or any officer authorised to give such authority:

Provided that the Government may, by notification, direct that in any port as may be specified therein, the provisions of this sub-section shall not apply to sailing vessels of any measurement not exceeding a measurement so specified therein.

(*2*) Notwithstanding anything in sub-section (*1*), the owner or master of a vessel, shall be answerable for any loss or damage caused by the vessel or by any fault of the navigation of the vessel.

Port officer to co-operate in manoeuvres for defence of port.

33. A port officer shall, if required by an officer authorised by a general or special order of the Central Government, co-operate as directed by the officer, in carrying out manoeuvres related to the defence of the port in time of war, or for the security of the port against sub-conventional or non-traditional threats, or natural disasters, and, if necessary, temporarily make available the services of their staff, vessels, property, equipment or other resources:

Provided that the Central Government shall bear the running expenses of vessels placed at the disposal of such officer in respect of the period during which they are so at his disposal, and be responsible for any damage thereto.

Explanation.—For the purposes of this section, the expression "running expenses" shall include all expenses incurred in connection with the use of the vessels other than any charges for their hire or for the wages of the officers and crews of such vessels.

Authority and Director-General to regulate certain activities.

34. (*1*) The Authority may issue guidelines for the purposes of regulating the following matters and activities, namely:—

(*a*) the vessel movement and safety of navigation, including determining the schedules and procedural protocols for vessel entry, departure, and transit within port limits;

(*b*) assigning the berths, including designating specific berths, stations, and areas for vessel docking in the port;

(*c*) the anchor and equipment management, focusing on the correct stowage and positioning of cargo gear, anchors, and other external apparatus on vessels;

(*d*) the cargo and passenger operations, including regulating locations and methods for passenger embarkation and loading and unloading of cargo;

(*e*) standards for bunkering practices and equipment for vessel fueling operations;

(*f*) specifying the requirements for the clear passage to ensure designated safe passage areas are maintained near docking structures and within port limits;

(*g*) standards and procedure for mooring and anchoring of vessels and related equipment;

(*h*) specifying the access and usage protocols for Government-owned docking and storage facilities;

(*i*) standards and procedures for licensing various maritime transport vessels and the conditions for licence renewal or revocation;

(*j*) specifying protocols for the consistent and safe use of visual and signal aids by vessels and ports;

(*k*) standards relating to occupational health, safety and security of dock workers, seafarers and port visitors; and

(*l*) the protocols to ensure seafarer and port workers' welfare-related resources and activities.

(*2*) The Director-General may also issue such guidelines on any of the matters and activities specified in sub-section (*1*), as may be deemed necessary, from time to time.

(*3*) Any guidelines issued by the Authority under sub-section (*1*), shall be in conformity with the guidelines issued by the Director-General under sub-section (*2*).

Explanation.—For the purposes of this section, "Director-General" means the Director-General appointed under the Merchant Shipping Act, 1958. 44 of 1958.

CHAPTER VIII

PREVENTION, CONTAINMENT OF POLLUTION AND RESPONSE

Definitions.

35. In this Chapter, unless the context otherwise requires,—

(*a*) "Ballast Water Management Convention" means the International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004;

(*b*) "cargo residues" means the remnants of any cargo material on board which remain on the deck or in holds or tanks following loading and unloading, including loading and unloading excess or spillage, whether in wet or dry condition or entrained in wash-water, but does not include cargo dust remaining on the deck after sweeping or dust of the external surfaces of the vessel;

(*c*) "MARPOL Convention" means the International Convention for the Prevention of Pollution from Ships, 1973, including its Protocol of 1978;

(*d*) "reception facility" means any facility which is fixed, floating or mobile and capable of providing the service of receiving the waste from vessels;

(*e*) "waste from vessels" or "vessel-generated waste" means every waste, including cargo residues, which is generated during the service of a vessel or during loading, unloading and cleaning operations and which falls within the scope of Annexes I, II, IV, V and VI to the MARPOL Convention and the Ballast Water Management Convention.

Reception facilities.

36. Every port shall provide reception facilities adequate to meet the needs of vessels without causing undue delay to vessels, in compliance with the provisions relating to reception facilities specified in Annexes I, II, IV, V and VI of the MARPOL Convention or with the requirements of Article 5 of the Ballast Water Management Convention, as applicable, based on such conditions as may be prescribed by the Central Government in consultation with the State Government.

Explanation.—For the purposes of this section, the term "adequate" means capable of receiving the types and quantities of wastes from vessels normally using that port, taking into account the operational needs of the port users, its size and geographical location and the types of vessels calling at that port.

Direction to provide adequate reception facilities.

37. Where in respect of any port it appears to the Central Government, on the basis of the audit conducted under section 42 or otherwise, that the port has no reception facilities or if the port has such facilities, those facilities are not adequate within the meaning of section 36, the Central Government or an officer authorised by it may, by order in writing, direct the port to provide, or arrange for the provision of, such reception facilities as may be specified in that order.

Port waste reception and handling plans.

38. (*1*) Every port shall prepare a port waste reception and handling plan in such form and manner as may be prescribed by the Central Government in consultation with the State Government.

(*2*) Upon approval of the port waste reception and handling plan by the Central Government, such plan shall be implemented by the port.

(*3*) Every port shall communicate such information about the port waste reception and handling plan to vessels in such manner as may be prescribed by the Central Government in consultation with the State Government.

Advance waste notice.

39. The operator, agent or master of a vessel bound for India shall submit an advance waste notice to the port of call in such form and manner and within such time period as may be prescribed by the Central Government in consultation with the State Government.

Delivery of vessel-generated waste.

40. (*1*) Subject to such conditions as may be prescribed by the Central Government in consultation with the State Government, the master of a vessel calling at a port shall, before leaving that port, deliver all its vessel-generated waste carried on board to a reception facility.

(*2*) Upon delivery, the port where the waste was delivered shall issue the waste delivery receipt to the master of the vessel in such form and manner as may be prescribed by the Central Government in consultation with the State Government.

Charges for vessel-generated waste.

41. (*1*) A port providing reception facilities or a person providing such facilities by arrangement with the port may levy such charges for the use of the facilities.

(*2*) The reception facility provided at the port shall be made available for use by any vessel subject to such conditions as may be imposed by the port and on payment of the charges referred to in sub-section (*1*).

Audit of ports.

42. (*1*) The Central Government shall audit every port at such intervals and in such manner as may be prescribed by the Central Government in consultation with the State Government.

(*2*) The audit under sub-section (*1*) shall be carried out for the purposes of checking the availability and adequacy of reception facilities in accordance with this Chapter and the rules made thereunder, and shall include audit of such pollution containment equipment as may be specified by the Central Government, from time to time.

Maintenance of information on portal.

43. The following information shall be uploaded electronically in such manner and by such persons as may be notified by the Central Government, namely:—

(*a*) advance waste notice under section 39;

(*b*) waste delivery receipt under sub-section (*2*) of section 40;

(*c*) request by a vessel for availing reception facilities; and

(*d*) such other matters as may be notified by the Central Government.

Measures for prevention or containment of pollution.

44. (*1*) Every port shall report the particulars of any incident that threatens or is likely to pose a threat of pollution to the coastal waters or related interests, to the Government, in such manner as may be prescribed by the Central Government in consultation with the State Government.

(*2*) Where the Central Government is satisfied that an incident which threatens or is likely to pose a threat of pollution to the coastal waters or related interests has taken place or is likely to take place, it may direct the port or State Government or the Authority or organisation, as may be applicable, to take such action for the prevention or containment or threat of such pollution in accordance with the applicable law.

Explanation.—For the purposes of this section, the expression "coastal waters" shall mean and include any part of the territorial waters of India, along with any part of the adjoining maritime zones of India or any marine area adjacent thereto over which India has, or, may hereafter have, exclusive jurisdiction in regard to control of marine pollution under the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976, or any other law for time being in force. 80 of 1976.

Directions for securing compliance.

45. The Government may issue directions to any port or port officer to comply with any of the provisions of this Chapter.

CHAPTER IX

LEVY OF FEES AND OTHER CHARGES

Levy of fees and other charges.

46. There shall be leviable such fees or other charges in each of the ports in respect of—

(*a*) consideration payable to the port by owners or agents of vessels or shippers *in lieu* of services rendered by such port including but not limited to—

(*i*) providing usage of or access to all or any part of the port;

(*ii*) loading or unloading of cargo;

(*iii*) embarking or disembarking of passengers;

(*iv*) storage of materials;

(*v*) supplying provisions or equipment to vessels;

(*vi*) handling, storing and transporting goods on land adjoining ports and for the handling of passengers carried by the vessels;

(*vii*) embarking or disembarking of masters, crew and other personnel, if payable;

(*viii*) repairing of vessel;

(*ix*) providing aids to navigation within the port limits;

(*x*) carrying passengers or goods between vessels in the port or port approaches;

(*xi*) stevedoring, landing and shipping of passengers or goods from or to such vessels;

(*xii*) wharfage, storage or demurrage of goods on any such place;

(*xiii*) pilotage and berth hire;

(*xiv*) towage; and

(*xv*) waterfront royalty;

(*b*) consideration payable by or to the port for port works pertaining to the maintenance of ports;

(*c*) realisations from usage of land and property belonging to, or in the possession or occupation of, the Authority.

Port tariff.

47. (*1*) (*a*) The port tariff for every major port shall be fixed by—

(*i*) the Board of Major Port Authority or such person or body of persons authorised by it; or

(*ii*) the board of directors, in case a port is registered as a company under the Companies Act, 2013;

18 of 2013.

(*b*) the port tariff for every port other than major port shall be fixed by the respective State Maritime Boards or such concessionaire as may be authorised by the concerned State Maritime Board.

(*2*) The port tariff fixed under sub-section (*1*) shall be published electronically by the Authority or concessionaire or person or body of persons, responsible for fixing the port tariff.

(*3*) The port tariff fixed under sub-section (*1*) shall come into effect after expiry of a period of thirty days from the date of its publication.

(*4*) The Council may issue guidelines on any matter relating to transparency of port tariff including the components thereof.

(*5*) The Authority may, based on any recommendation by the Government, in special cases exempt or, remit the whole or any portion of the fees or other charges due or payable under this Act.

Receipt of fees or other charges.

48. (*1*) The Government shall, by notification, authorise at any port, an officer or body of persons who may receive the fees or other charges payable under this Act and to expend the receipts thereof, subject to such conditions as may be specified in the notification.

(*2*) The officer or body of persons authorised to receive fees or other charges, shall issue a receipt *in lieu* of such fees or other charges, in such form and manner as may be prescribed by the appropriate Government, containing the following particulars, namely:—

(*a*) name of the issuing office;

(*b*) the port or place at which the fees or other charges due or payable is paid; and

(*c*) the name, gross tonnage and other proper description of the vessel in respect of which the payment is made, as applicable.

Owner, agent or master to report arrival.

49. The owner, agent or master of every vessel liable to pay any other fees or other charges shall, on arrival of such vessel within the port limits, report her arrival to the conservator in such form, manner and within such time as may be prescribed by the Central Government in consultation with the State Government.

Detention and sale on refusal to pay fees or other charges.

50. (*1*) If the master of any vessel in respect of which any fees or other charges are payable under this Act refuses or fails to pay the same on demand, the officer or body of persons authorised under sub-section (*1*) of section 48 may detain or arrest the vessel or any part thereof, until the amount due is paid.

(*2*) In case any part of the fees or other charges, or of the costs of the detention or arrest or of the keeping of the vessel detained or arrested remains unpaid for fifteen days after any such detention or arrest, such officer or body of persons may cause the vessel detained or arrested to be sold, and with the proceeds of such sale, may recover the fees or other charges and the cost including the costs of sale remaining unpaid, and shall render the surplus, if any, to the master of the vessel upon demand:

Provided that where such vessel is already arrested under the order of a court or other authority, the authority appointed to receive fees or other charges, may sell the vessel or part thereof only with the prior permission of such court or other authority and recover the fees or other charges due and the costs including costs of sale remaining unpaid, and disburse the surplus, if any, in accordance with the orders or directions of such court or other authority.

(*3*) Where the sale proceeds of the vessel is insufficient to satisfy the fees or other charges due and the cost including the costs of sale remains unpaid, the authority appointed to receive such fees or other charges due may, by order in writing direct the owner of the vessel to pay the unpaid balance, within one month of issuance of such order.

Grant of port-clearance.

51. No port-clearance shall be granted to any vessel until the owner or master or agent or port user has paid or secured to the satisfaction of the officer granting the clearance the amount of all fees or charges, and of all fines, penalties and expenses to which the vessel or her owner or master is liable under this Act.

Master not to evade payment of fees or other charges.

52. (*1*) No master of a vessel shall evade the payment of any fees or other charges required to be paid under this Act.

(*2*) In any proceeding before a Magistrate, any document issued by the officer empowered to grant port-clearance under section 51 stating that the master has evaded such payment shall be sufficient proof of the evasion, unless the master shows to the satisfaction of the Magistrate that the departure of the vessel without payment of the sum was caused by stress of weather, or that there was lawful or reasonable ground for such departure.

(*3*) Any Magistrate having jurisdiction under this Act in any port to which the vessel may proceed, or in which she may be found, shall be deemed to have jurisdiction in any proceeding under this section.

CHAPTER X

PENALTIES AND PROCEDURES

Offences and penalties.

53. (*1*) Whoever contravenes any provision of this Act or fails to comply with any provision thereof, shall be liable to penalty under this Act and, if, in respect of any offence or contravention no punishment or penalty is specially provided, shall be liable to penalty which may extend to ten thousand rupees, and if the breach is a continuing one, with further penalty which may extend to one thousand rupees for every day, after the first day, during which the breach continues.

(*2*) The offences mentioned in column (2) of the First Schedule, shall be punishable to the extent of punishment mentioned in the corresponding column (4) of that Schedule against the offence specified in column (2) of that Schedule.

Explanation.—For the purposes of this sub-section, where any offence is attributable to a port under column (2) of the First Schedule, the fine specified for such offence under column (4) thereof, shall be payable by the Authority; or by the concessionaire where such port is operated by the conservator.

(*3*) Whoever contravenes any provision mentioned in column (2) of the Second Schedule, shall be liable to the extent of penalty mentioned in the corresponding column (4) of that Schedule against the contravention specified in column (2) of that Schedule.

Authority for imposition of penalty and procedure therefor.

54. (*1*) The authority for imposing the penalty under the Second Schedule shall be the conservator.

(*2*) For the purposes of imposition of penalty under this Chapter, where the conservator is a body of persons, the authority for imposition of penalty shall mean, one person appointed from amongst such body of persons, in such manner as may be prescribed by the appropriate Government.

(*3*) The conservator shall, before imposing any penalty specified under the Second Schedule, give the parties an opportunity of being heard.

(*4*) Every order of imposition of penalty under this section shall be in writing.

(*5*) Any contravention of the provisions of this Act for which penalty has been provided may be compounded for the first contravention by such officer as may be notified by the Central Government in this behalf.

Cognizance of offences.

55. No Court inferior to that of a Judicial Magistrate of the first class shall take cognizance of any offence specified under the First Schedule.

Penalty for wilful failure to comply with orders of Dispute Resolution Committee.

56. Any person who wilfully fails to comply with any order of the Dispute Resolution Committee against which no appeal has been preferred, shall be liable to a penalty which may extend to one lakh rupees, and in addition, penalty which may extend to one thousand rupees for every day during which such default continues.

Penalty for failure to furnish information, etc.

57. No person shall,—

(*a*) make any statement or furnish any document which the person knows or has reason to believe to be false in any material particular; or

(*b*) omit to state any material fact knowing it to be material; or

(*c*) wilfully alter, suppress or destroy any document which is required to be furnished.

Recovery of fine or penalty.

58. Any fine imposed by the Magistrate under the First Schedule, or, penalty imposed by the conservator under the Second Schedule, may be recovered by distress and sale of the vessel or part thereof, as may be deemed necessary.

Recovery of expenses and damages.

59. (*1*) Any dispute as to the sum to be paid as expenses or damages under this Act shall be determined by a Magistrate upon an application made for that purpose by either of the disputing parties.

(*2*) Any sum payable as expenses or damages under this Act which does not exceed twenty thousand rupees may be recovered by the conservator or the Magistrate, as if it were a penalty or fine.

Cost of distress.

60. Whenever any penalty, fine, expenses or damages is or are levied under this Act by distress and sale, the cost of distress and sale may be levied in addition to such penalty, fine, expenses or damages, and in the same manner.

Magistrate to determine amount to be levied in case of dispute.

61. If any dispute arises concerning the amount leviable by any distress or arrest under this Act or the costs payable under section 60, the person making the distress or arrest may detain the goods seized or arrested, or the proceeds of the sale thereof, until the amount to be levied has been determined by a Magistrate who, upon an application made for that purpose, may determine the amount and award such costs to be paid by either of the parties to the other of them as the Magistrate may deem reasonable and payment of such costs if not paid on demand, shall be enforced as if they were a fine.

Place of trial and jurisdiction.

62. (*1*) Any person committing any offence under this Act may be tried for such offence in any place in which that person may be found, or before any Magistrate having jurisdiction over any district or place adjoining the port in which the offence takes place, or in any court in which that person may be tried under any other law for time being in force.

(*2*) The Magistrate referred to in sub-section (*1*) may exercise all the powers of a Magistrate under this Act in the same manner and to the same extent as if the offence had been committed locally within the limits of his jurisdiction, notwithstanding that the offence may not have been committed locally within such limits and in case any such Magistrate exercises the jurisdiction hereby vested in him, the offence shall be deemed, for all purposes, to have been committed locally within the limits of his jurisdiction.

Offences by companies.

63. (*1*) Where any offence under this Act has been committed by a company, every person who, at the time the offence was committed, was directly in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(*2*) Notwithstanding anything in sub-section (*1*), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section,—

(*a*) "company" means anybody corporate and includes a co-operative society, a firm, a limited liability partnership registered under the Limited Liability Partnership Act, 2008 or other association of individuals; and 6 of 2009.

(*b*) "director", in relation to a firm, means a partner in the firm.

CHAPTER XI

MISCELLANEOUS

Service of documents.

64. (*1*) Where, for the purposes of this Act any document is to be served on any person, that document may be served in any case by delivering a copy thereof personally to the person to be served or by leaving the same at his last place of residence, or by post.

(*2*) If the document is to be served—

(*a*) on the harbour master of a port, where there is one, by leaving the same for him at the port, with the person being or appearing to be in command of the port;

(*b*) on the master of a vessel, where there is one, by leaving the same for him on board that vessel, with the person being or appearing to be in command or charge of the vessel; and

(*c*) on the master of a vessel, or if there is no master and the vessel is in India, on the owner of the vessel, or, if such owner is not in India, on any agent of the owner residing in India, or, where no such agent is known or can be found, by affixing a copy thereof on the vessel or at a suitable place on the bridge.

Hoisting unlawful colours in port.

65. (*1*) In any port where hoisting is mandated by the conservator, no vessel shall hoist, carry or wear, any flag, jack, pennant or colours, the use whereof is unlawful.

(*2*) Every foreign vessel calling at a port in India shall hoist the flag of the flag State of the vessel and the flag of the Republic of India.

Emergency preparedness and response plan.

66. (*1*) Every port shall frame an emergency preparedness and response plan for the purposes of safety, security, disaster management and pollution incidents in accordance with applicable law.

(*2*) The plan referred to in sub-section (*1*) shall be submitted to the Central Government for its approval in such manner as may be directed by the Central Government in consultation with the State Government.

(*3*) The Central Government may grant approval to the plan after taking into consideration such factors as may be notified by the Central Government in consultation with the State Government.

(*4*) The conservator may issue directions for the implementation of the approved plan and the Central Government may audit such implementation.

(*5*) The Central Government may, either *suo motu* or on the basis of an audit under sub-section (*4*), issue directions to any person in order to ensure compliance with the provisions of this section and put in place a national emergency response mechanism.

Reporting of incident.

67. Every port shall report the particulars of any incident such as property damage, vessels sinking, vessel collisions or fire, in such manner as may be prescribed by the Central Government in consultation with the State Government.

Shore based welfare services for seafarers.

68. Every port shall provide such shore based welfare services as may be prescribed by the Central Government in consultation with the State Government, for seafarers of vessels calling at the port.

Port community system and vessel traffic service.

69. (*1*) The Central Government may, by notification, direct a port to adopt a mechanism for electronically integrating such port related data as may be notified by the Central Government in consultation with the State Government, with the port community system or any other centralised system.

(*2*) Every port shall maintain vessel traffic service within the port limits in accordance with applicable law.

Explanation.—For the purposes of this section, the expressions,—

(*a*) "port community system" means a secure electronic system integrating the trade related information submitted and exchanged therein, serving as a centralised portal for ports and other relevant stakeholders in accordance with the Convention on Facilitation of International Maritime Traffic, 1965 or any other requirement as may be directed by the Central Government;

(*b*) "vessel traffic service" shall have the same meaning as assigned to it in the Marine Aids to Navigation Act, 2021. 20 of 2021.

Order for securing compliance.

70. The Central Government may issue directions to such port, port facility, port officer, or person, to ensure compliance with any other laws for the time being in force and the provisions of the Merchant Shipping Act, 1958 relating to the safety and security of port facilities. 44 of 1958.

Prior clearance.

71. Any port undergoing a change in substantial ownership or effective control shall obtain a prior clearance from the Central Government or a person authorised by it, in such form and manner and within such time as may be notified by the Central Government in consultation with the State Government.

Obligations of ports under international conventions.

72. Every port shall ensure that the obligations, under the international conventions to which India is a party and as prescribed by the Central Government, are discharged in accordance with such conventions.

Notification of mega port.

73. (*1*) The Central Government may, in consultation with the State Government, by notification, specify the criteria for classification of a port as mega port.

(*2*) The Central Government may notify any major port, which satisfies the criteria notified under sub-section (*1*), as a mega port.

(*3*) The Central Government may, in consultation with the State Government, notify any port other than major port, which satisfies the criteria notified under sub-section (*1*), as a mega port.

(*4*) Notwithstanding its classification as a mega port under this section, a port shall retain its status as either a major port or a port other than a major port, as applicable, and shall continue to be governed by the respective laws applicable to such port.

Chairperson, members, officers and employees of Council, etc., to be public servants.

74. All members, officers and other employees of the Council shall be deemed, when acting or purporting to act in pursuance of any of the provisions of this Act, to be public servants within the meaning of clause (*28*) of section 2 of the Bharatiya Nyaya Sanhita, 2023. 45 of 2023.

Application of certain laws.

75. The provisions of this Act shall be in addition to and not in derogation of, the Major Port Authorities Act, 2021 and the Merchant Shipping Act, 1958, in so far as they relate to ports. 1 of 2021. 44 of 1958.

Power of Central Government to make rules.

76. (*1*) The Central Government may, by notification and subject to the condition of previous publication, make rules to carry out the provisions of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the salary and allowances and other conditions of service of the employees of the Council under sub-section (*2*) of section 7;

(*b*) other officers of the port to be appointed under sub-section (*2*) of section 18;

(*c*) the terms and conditions of service of the officers under sub-section (*3*) of section 18;

(*d*) the powers to be delegated by the conservator and the persons to whom such powers may be delegated under sub-section (*6*) of section 18;

(*e*) the manner of removal or alteration of obstruction and factors for determining compensation under sub-section (*5*) of section 20;

(*f*) the qualifications, experience and other terms and conditions of service of the health officer to be appointed under sub-section (*2*) of section 24;

(*g*) the measures to be taken at infected zone under clause (*b*) of sub-section (*4*) of section 24;

(*h*) the factors to be considered by the conservator in determining the expenses to be paid under sub-section (*2*) of section 26;

(*i*) the form and manner of receipt of fees or other charges under sub-section (*2*) of section 48;

(*j*) the manner of appointment of conservator from a body of persons under sub-section (*2*) of section 54;

(*k*) the obligations to be discharged by the ports under section 72.

Power of State Government to make rules.

77. (*1*) The State Government may, by notification in the State Gazette and subject to the condition of previous publication, make rules to carry out the provisions of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the form and manner of making an application for adjudication of disputes referred to the State Maritime Board under sub-section (*2*) of section 16;

(*b*) other matters in respect of which the State Maritime Board shall exercise powers of civil court under clause (*d*) of sub-section (*4*) of section 16;

(*c*) other officers of the port to be appointed under sub-section (*2*) of section 18;

(*d*) the terms and conditions of service of officers under sub-section (*3*) of section 18;

(*e*) the powers to be delegated by the conservator and the persons to whom such powers may be delegated under sub-section (*6*) of section 18;

(*f*) the manner of removal or alteration of obstruction and factors for determining compensation under sub-section (*5*) of section 20;

(*g*) the qualification, experience and other terms and conditions of service of the health officer to be appointed under sub-section (*2*) of section 24;

(*h*) the measures to be taken at infected zone under clause (*b*) of sub-section (*4*) of section 24;

(*i*) the factors to be considered by the conservator in determining the expenses to be paid under sub-section (*2*) of section 26;

(*j*) the form and manner of receipt of fees or other charges under sub-section (*2*) of section 48;

(*k*) the manner of appointment of conservator from a body of persons under sub-section (*2*) of section 54.

Power of Central Government to make rules in consultation with State Governments.

78. (*1*) The Central Government in consultation with the State Governments may, by notification, and subject to the condition of previous publication, make rules to carry out the provisions of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the form and the manner of notification of any part of the navigable rivers or channels leading to ports under sub-clause (*iii*) of clause (*a*) of sub-section (*3*) of section 1;

(*b*) the norms, form and manner of notifying a new port and altering port limits under sub-section (*2*) of section 11;

(*c*) the action to be taken by the conservator and the directions to be issued to the persons under clause (*a*) of sub-section (*5*) of section 24;

(*d*) the manner of reporting of disease by the master under clause (*b*) of sub-section (*5*) of section 24;

(*e*) the conditions subject to which port shall provide reception facilities under section 36;

(*f*) the form and manner of preparing port waste reception and handling plan under sub-section (*1*) of section 38;

(*g*) the information about the port waste reception and handling plan and manner of communicating such information under sub-section (*3*) of section 38;

(*h*) the form, manner and time for submitting an advance waste notice under section 39;

(*i*) the conditions for delivery of vessel-generated waste under sub-section (*1*) of section 40;

(*j*) the form and manner of issuance of waste delivery receipt under sub-section (*2*) of section 40;

(*k*) the intervals and manner of conducting audit of ports under sub-section (*1*) of section 42;

(*l*) the manner of reporting incidents under sub-section (*1*) of section 44;

(*m*) the form, manner and time for reporting arrival of vessel at port under section 49;

(*n*) the manner of reporting of incidents under section 67;

(*o*) the provision of shore based welfare services under section 68.

Power of Council to make regulations.

79. (*1*) The Council may, by notification and subject to the condition of previous publication, make regulations consistent with this Act and the rules made thereunder to carry out the provisions of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(*a*) the manner and conditions subject to which the Chairperson may invite persons to meetings of the Council under sub-section (*3*) of section 3;

(*b*) the manner of transaction of business at meetings of the Council under sub-section (*4*) of section 3;

(*c*) any such other matters which is to be, or may be, specified by regulations.

Power of Council to issue guidelines.

80. (*1*) The Council may, by notification, issue such guidelines consistent with this Act and the rules made thereunder to carry out the provisions of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such guidelines may provide for all or any of the following matters, namely:—

(*a*) the data or information to be collected and manner of collection, storage, updation and submission of such data or information to the Council under item (*A*) of sub-clause (*ii*) of clause (*b*) of sub-section (*1*) of section 6;

(*b*) the manner of dissemination of information, records, data and research studies relating to ports, under item (*B*) of sub-clause (*ii*) of clause (*b*) of sub-section (*1*) of section 6;

(*c*) the matters in relation to the transparency of port tariff and its components under sub-section (*4*) of section 47;

(*d*) such other matters as it may deem fit.

Laying of rules and regulations before Parliament and State Legislature.

81. (*1*) Every rule made by the Central Government and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

(*2*) Every rule made by the State Government shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

Protection of action taken in good faith.

82. No suit or other legal proceeding shall lie against the Central Government or the State Government or the Council or the Authority or the employees of the Government or the members or employees of the Council or the Authority, in respect of anything which is done or intended to be done or any action taken in good faith under this Act or any rules or regulations made thereunder.

Power to amend Second Schedule.

83. (*1*) The Central Government may, by notification, amend column (4) of the Second Schedule, increasing the amount of penalty which shall not exceed more than twice the amount of penalty when the Act was first enacted.

(*2*) Every notification issued under sub-section (*1*), shall be laid before each House of Parliament as soon as may be after it is issued.

Power to remove difficulties.

84. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as may appear to it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of three years from the date of commencement of this Act.

(*2*) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

15 of 1908.

Repeal and savings.

85. (*1*) The Indian Ports Act, 1908 is hereby repealed.

(*2*) Notwithstanding such repeal,—

(*a*) any notification, rule, regulation, bye-law, order or exemption made, issued or granted under the Act so repealed shall have effect as if it had been made, issued or granted under the provisions of this Act, till new notification, rule, regulation, bye-law, order or exemption is made, issued or granted under this Act;

(*b*) any office established or created, officer or person appointed and any body constituted under the Act so repealed shall continue and shall be deemed to have been established, created, appointed or constituted under this Act;

(*c*) any document referring to the Act so repealed shall be construed as referring to this Act or to the provision of this Act;

(*d*) any fine or penalty levied under the Act so repealed may be recovered as if it had been levied under this Act;

(*e*) any offence committed under the Act so repealed may be prosecuted and punished as if it had been committed under this Act;

(*f*) any proceeding pending before any court under the Act so repealed may be tried or disposed of under the corresponding provisions of this Act;

(*g*) any inspection, investigation or inquiry ordered to be done under the provisions of the Act so repealed shall continue to be proceeded with as if such inspection, investigation or inquiry is ordered to be done under the corresponding provisions of this Act.

(*3*) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897, with regard to the effect of repeals. 10 of 1897.

THE FIRST SCHEDULE
[*See* section 53(*2*)]
Punishment for certain offences

Serial No.	Offences	Section to which offence is referred	Punishment
(1)	(2)	(3)	(4)
1.	If any port commences or carries on operations in contravention of section 10	10	Fine which may extend to one lakh rupees and in addition, a fine which may extend to ten thousand rupees for every day during which the offence continues after conviction.
2.	If any port other than major port or port officer fails to comply with directions of the State Maritime Board under sub-section (*3*) of section 15	15(*3*)	In case of contravention by port officer, fine which may extend to ten thousand rupees and in addition, fine not exceeding one thousand rupees for every day during which the offence continues after conviction. In case of contravention by port, fine which may extend to two lakh rupees and in addition, fine not exceeding twenty thousand rupees for every day during which the offence continues after conviction.
3.	If any master of a vessel fails to permit warps or hawsers to be made fast or let go of any warps or hawsers in contravention of section 27	27	Imprisonment which may extend to six months or fine which may extend to one lakh rupees or both.
4.	If master omits to take order to extinguish the fire or obstructs the conservator or any person in extinguishing or attempting to extinguish the fire, in contravention of section 28	28	Imprisonment which may extend to six months or fine which may extend to one lakh rupees or both.

(1)	(2)	(3)	(4)
5.	If any person does or omits to do any act relating to safety of vessels in contravention of sub-section (*1*) of section 29	29(*1*)	Imprisonment which may extend to six months or fine which may extend to one lakh rupees or both.
6.	If the master of the vessel causes or suffer any warp or hawser attached to his vessel to be left out in any port in contravention of sub-section (*2*) of section 29	29(*2*)	Imprisonment which may extend to six months or fine which may extend to one lakh rupees or both.
7.	If any person commits any act in contravention of sub-section (*3*) of section 29	29(*3*)	Imprisonment which may extend to six months or fine which may extend to one lakh rupees or both.
8.	If any unauthorised person searches for lost stores in contravention of section 30	30	Imprisonment which may extend to six months or fine which may extend to one lakh rupees or both.
9.	If any person injures any bank or shore in contravention of section 31	31	Imprisonment which may extend to six months or fine which may extend to one lakh rupees or both.
10.	If any port fails to provide adequate reception facilities in contravention of section 36	36	Fine which may extend to two lakh rupees.
11.	If any port fails to comply with directions of the Central Government under section 37	37	Fine which may extend to one lakh rupees and in addition, fine which may extend to twenty thousand rupees for every day during which the offence continues after conviction.
12.	If any port fails to prepare a port waste reception and handling plan in contravention of sub-section (*1*) of section 38	38(*1*)	Fine which may extend to one lakh rupees.

(1)	(2)	(3)	(4)
13.	If any port fails to implement the approved port waste reception and handling plan in contravention of sub-section (*2*) of section 38	38(*2*)	Fine which may extend to one lakh rupees.
14.	If any port fails to communicate any information to vessels in contravention of sub-section (*3*) of section 38	38(*3*)	Fine which may extend to twenty thousand rupees.
15.	If any port fails to report the particulars of any incident in contravention of sub-section (*1*) of section 44	44(*1*)	Fine which may extend to one lakh rupees.
16.	If any port fails to comply with the directions issued by the Central Government under sub-section (*2*) of section 44	44(*2*)	Fine which may extend to one lakh rupees and in addition, fine which may extend to ten thousand rupees for every day during which the offence continues after conviction.
17.	If any port fails to prepare a safety, security, disaster management and pollution incident emergency preparedness and response plan in contravention of sub-section (*1*) of section 66	66(*1*)	Fine which may extend to two lakh rupees.
18.	If any port fails to comply with the directions issued by the conservator in contravention of sub-section (*4*) of section 66	66(*4*)	Fine which may extend to two lakh rupees.
19.	If any port fails to report particulars of any incident in contravention of section 67	67	Fine which may extend to one lakh rupees.
20.	If any port fails to provide shore based welfare services in contravention of section 68	68	Fine which may extend to twenty thousand rupees.

(1)	(2)	(3)	(4)
21.	If any port fails to comply with directions of the Central Government issued under sub-section (*1*) of section 69	69(*1*)	Fine which may extend to fifty thousand rupees.
22.	If any port fails to develop or maintain a vessel traffic service in contravention of sub-section (*2*) of section 69	69(*2*)	Fine which may extend to one lakh rupees.
23.	If any port fails to obtain prior clearance in contravention of section 71	71	Fine which may extend to fifty thousand rupees.

THE SECOND SCHEDULE
[*See* section 53(*3*)]
Penalty for certain contraventions

Serial No.	Contravention	Section	Penalties
(1)	(2)	(3)	(4)
1.	If any person refuses or neglects to obey any direction of the conservator issued under section 19	19	Penalty which may extend to fifty thousand rupees and in addition, penalty not exceeding five thousand rupees for every day during which the contravention continues after conviction.
2.	If any owner has without lawful excuse caused any obstruction or impediment under section 20	20	Penalty which may extend to two lakh rupees and in addition, penalty not exceeding twenty thousand rupees for every day during which the contravention continues after conviction.
3.	If any master of a vessel or any other person lifts the buoys or moorings without assistance of the conservator in contravention of sub-section (*1*) of section 22	22(*1*)	Penalty which may extend to one lakh rupees.
4.	If the master of the vessel, or any person in possession or occupation of the building or place, without lawful excuse, refuses to allow the conservator or any person to board or enter such vessel, building or place in contravention of section 23	23	Penalty which may extend to ten thousand rupees for the first offence and in addition, penalty not exceeding ten thousand rupees for every day during which the contravention continues.
5.	If any person without lawful excuse, removes, destroys or damages any property in contravention of sub-section (*1*) of section 26	26(*1*)	Penalty which may extend to one lakh rupees and in addition, expenses for any loss, destruction or damage suffered by the port, including expenses of any inspection or survey carried out.
6.	If any owner or master of a vessel enters, leaves or moves in any port in contravention of sub-section (*1*) of section 32	32(*1*)	Penalty which may extend to two lakh rupees.

(1)	(2)	(3)	(4)
7.	If any operator, agent or master of a vessel fails to submit an advance waste notice in contravention of section 39	39	Penalty which may extend to twenty thousand rupees.
8.	If any master of a vessel fails to deliver all its vessel-generated waste to a reception facility in contravention of sub-section (*1*) of section 40	40(*1*)	Penalty which may extend to one lakh rupees.
9.	If the owner or master of any vessel fails to pay the charges payable or fails to comply with the conditions under section 41	41	Penalty which may extend to twenty thousand rupees and in addition, penalty which may extend to two thousand rupees for every day during which the contravention continues.
10.	If any person fails to upload information on the portal in contravention of section 43	43	Penalty which may extend to ten thousand rupees.
11.	If the Authority or concessionaire or person or body of persons fails to publish the port tariff in contravention of sub-section (*2*) of section 47	47(*2*)	Penalty which may extend to fifty thousand rupees and in addition, penalty which may extend to five thousand rupees for every day during which the contravention continues.
12.	If any owner, agent or master of a vessel fails to report the arrival of a vessel in contravention of section 49	49	Penalty which may extend to twenty thousand rupees.
13.	If any master of a vessel fails to pay any fees or other charges in contravention of sub-section (*1*) of section 52	52(*1*)	Penalty which may extend to twice the amount of fees or other charges due, subject to a minimum of twenty thousand rupees.
14.	If any person fails to furnish or furnishes information in contravention of section 57	57	Penalty which may extend to two lakh rupees and in addition, penalty which may extend to two thousand rupees for every day during which such default continues.
15.	If the master of any vessel unlawfully hoists or fails to hoist any flag in contravention of section 65	65	Penalty which may extend to twenty thousand rupees.

THE THIRD SCHEDULE

[*See* section 13(*1*)]

State Maritime Boards constituted or established under State Acts

Serial No.	Name of State Maritime Board	Name of State Act	Date of establishment
(1)	(2)	(3)	(4)
1.	Gujarat Maritime Board	Gujarat Maritime Board Act, 1981 (Gujarat Act No. 30 of 1981)	The 3rd November, 1981
2.	Maharashtra Maritime Board	Maharashtra Maritime Board Act, 1996 (Maharashtra Act XV of 1997)	The 4th October, 1996
3.	Tamil Nadu Maritime Board	Tamil Nadu Maritime Board Act, 1995 (Tamil Nadu Act No. 4 of 1996)	The 18th March, 1997
4.	The West Bengal Maritime Board	West Bengal Maritime Board Act, 2000 (West Bengal Act XXX of 2000)	The 1st October, 2015
5.	Karnataka Maritime Board	Karnataka Maritime Board Act, 2015 (Karnataka Act 41 of 2017)	The 9th September, 2019
6.	Kerala Maritime Board	Kerala Maritime Board Act, 2017 (Kerala Act 16 of 2017)	The 2nd February, 2018
7.	Andhra Pradesh Maritime Board	Andhra Pradesh Maritime Board Act, 2018 (Andhra Pradesh Act No. 16 of 2019)	The 16th December, 2019
8.	Odisha State Maritime Board	Odisha State Maritime Board Act, 2022 (Odisha Act No. 01 of 2022)	The 28th March, 2022

Sd/-

DR. RAJIV MANI,
Secretary to the Government of India.

By order and in the name of the Governor of Gujarat,

Sd/-

K. M. LALA,
Secretary to Government.

Government Central Press, Gandhinagar.

Signature Not Verified
Signed by : BHOLUSINGH G THAKUR
Senior Manager
Government Central Press, Gandhinagar
Date : 2026.04.03 06:10:15 IST